

## R E M A R K S

Claims 27-39 are pending in this application. In the office action:

1) claims 27-39 were rejected under 35 U.S.C. § 101 in view of the preamble of claims 27 and 36 (office action, ¶ 2);

2) claims 27-33, 36, and 37 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,522,888 (Garceran et al.) (office action, ¶ 4);

3) claims 34, 35, 38, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,522,888 (Garceran et al.) and U.S. Patent No. 6,677,894 (Sheynblat et al.) (office action, ¶ 6); and

4) this action was made final (office action, ¶ 8).

Claim 29 has been cancelled. Reconsideration is respectfully requested.

### Rejection under 35 U.S.C. § 101 (office action, ¶ 2)

Claims 27-39 were rejected under 35 U.S.C. § 101 on the grounds that “the claims do not result in a prediction of the location of a mobile subscriber unit.” The applicants disagree as the apparatus and method assist with predicting the location of the subscriber.

### Rejection under 35 U.S.C. § 102(e) (office action, ¶ 4)

Claims 27-33, 36, and 37 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,522,888 (Garceran et al.). The reference does not meet the limitations of the claims.

### Claims 27-30 and 36

Independent apparatus claim 27 and method claim 36 recite “generating predicted levels of reception of signals of base transceiver stations” and “updating the predicted levels of reception.” (See, applicants’ specification, p. 6 lines 6-24.) Garceran et al. does not use predicted levels but rather is concerned with actual measurements. Further, there is no disclosure, teaching, or suggestion in Garceran et al. of using or updating predicted measurements nor would it be obvious to do so. Therefore, these claims distinguish over Garceran et al. Since dependent apparatus claims 28 and 30 also concern “predicted levels of reception,” they too distinguish over the reference.

### Claims 33 and 37

Dependent apparatus claim 33 and method claim 37 recite “identifying a predicted location corresponding to the received reception levels.” The office action states that this limitation is met by the text of Garceran et al. in column 14, lines 28-36. The reference states in part that “[b]y storing the wireless unit identity in association with signal quality measurements for the wireless unit and/or time, the identity of the rogue wireless unit could be determined.” Lines 33-36. This excerpt does not disclose, teach, or suggest “identifying a predicted location” and, therefore, these claims distinguish over Garceran et al.

Rejection under 35 U.S.C. § 103(a) (office action, ¶ 6)

Dependent claims 34, 35, 38, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,522,888 (Garceran et al.) and U.S. Patent No. 6,677,894 (Sheynblat et al.). Because neither Garceran et al. nor Sheynblat et al. concerns predicted levels of reception, the limitations of dependent claims 34, 35, 38, and 39 are not met. For at least this reason, the claims distinguish over the references.

Conclusion

For at least the foregoing reasons, the claims are neither anticipated nor rendered obvious by the art of record. The applicants believe that they have responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned or Brian K. Johnson, Esq., Nokia Siemens Networks, tel. 732-321-3017, if there are any questions concerning the application.

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Respectfully submitted,

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